

REMARKS/ARGUMENTS

This is in response to the final office action dated April 9, 2009.

The applicant has added new claims 14-17, which include one independent claim and 3 dependent claims. No claim fees are applicable as a result of this amendment.

In the office action, the Examiner has rejected claims 9-13 under 35 USC 103(a) in view of FR2 760 035 (Gilles), US6,415,636 (Fukumoto et al) and US1,652,953 (Patterson). The Examiner's assertions are addressed below:

The Examiner referred to Figure 2 of Patterson and stated that Patterson teaches a casing 13 of the key assembly that is fixed to a face of an attachment element 15 that faces towards the inner side of the door. The claims specify that a flange on the casing is fixed to a face of the attachment means that faces the inner side of the door. The Examiner has not identified any portion of the casing 13 as a flange. If one extrapolates and attempts to interpret the rightmost end face of the casing 13 as a flange, then the face it abuts is facing, at best, outwardly, not inwardly. More accurately, the face it abuts is facing the rear of the vehicle, since it is not mounted in relation to a door at all; it is, in fact, positioned on the 'instrument board' of the vehicle. If one instead interprets the leftmost end of the casing 13 as the flange, then it is not fixed to anything except a movable handle. Thus, neither end of the casing 13 meets the language of claims 9 and 13.

Additionally, the Examiner has arbitrarily named element 15 of Patterson as an attachment element, however, the applicant respectfully disagrees with the examiner's interpretation, because the element 15 of Patterson clearly lacks properties listed in claims 9 and 13 associated with the attachment element. For example, the attachment element of claims 9 and 13 is connected to the supporting framework between the supporting element and the through opening. Clearly, the element 15 of Patterson is not positioned between a supporting element and a through opening. In fact, the element 15

of Patterson is entirely positioned behind the only through opening present in Patterson. This is incongruous with the structure claimed in claims 9 and 13, an embodiment of which is shown in Figure 4 of the applicant's patent application.

Furthermore, the Examiner has arbitrarily named element 13 of Fukumoto et al as a supporting element in order to assert that the supporting element has a cylindrical sleeve defining a seat. However, element 13 of Fukumoto et al clearly lacks properties listed in claims 9 and 13 associated with the supporting element. For example, there is no rear view mirror attached to element 13 of Fukumoto et al.

Furthermore, the Examiner has arbitrarily identified the elements 522 and 523 of Fukumoto et al. to make up an attachment element in order to assert that the attachment means has a through hole into which an Examiner-identified supporting element (element 13) extends, presumably in relation to claim 13. However, elements 522/523 lack properties claimed in claim 13 relating to the attachment element. For example, the element 522/523 is not positioned between what the Examiner has identified as the supporting element (ie. element 13) and a through opening in the supporting framework. The Examiner has not even attempted to identify a supporting framework in Fukumoto et al, however, and so she has not established whether the element 522/523 meets the language of claims 9 and 13.

Furthermore, the Examiner appears to have arbitrarily identified the edge face of the casing 133a near 524a in Figure 6 of Fukumoto et al to be a flange in order to assert that the sleeve 133 abuts an end of the casing 133a directly adjacent the flange, presumably in relation to claim 13. The applicant submits that the Examiner-identified structure does not meet the language describing the flange in claim 13, which states that the flange is fixed to a face of the attachment element on the inner face of the attachment element and which state that the support element abuts the casing adjacent the flange. Clearly, the Examiner-identified 'flange' in Fukumoto cannot be fixed to an inner face of an attachment means since it is facing the wrong way. As a result of facing the wrong way, the 'flange' of Fukumoto does not in any way cooperate with elements 522/523 to

prevent the casing 133a from being easily pulled outwardly from the door body. Accordingly, it is of no benefit to inhibit access by a would-be thief to the examiner-identified ‘flange’ of Fukumoto et al in an effort to prevent the thief from pulling the key assembly out of the vehicle. As a result, examiner identified structure does not function the way it is described to function in claim 13.

Furthermore, the applicant respectfully submits that the sleeve 133 does not abut the casing 133a directly adjacent to what the Examiner has identified as the flange of the casing 133a. In fact, the sleeve 133 abuts the casing 133a on the opposite end of the casing 133 to what the examiner has identified as the flange. Claim 13 specifies that the sleeve abuts the casing directly adjacent the flange.

Additionally, there is at least one feature of claims 9 and 13 that has not been addressed at all by the Examiner. Claim 13 specifies that the casing and the key unit are set apart from the outer side of the supporting framework, and that the supporting element covers the casing for the key assembly towards the outer side of the supporting framework. The casing and key unit are thus inherently spaced inwardly from the outer side of the supporting framework. Claim 9 also specifies that the supporting element covers the casing for the key assembly towards the outer side of the supporting framework, and thus also inherently conveys that the casing is spaced inwardly from the outer side of the supporting framework. This structure reduces the accessibility of the key assembly to a would-be thief. Clearly, in none of the references cited by the Examiner are the casing and the key unit spaced inwardly from the outer side of the supporting framework. The Examiner has not attempted to address this issue and as a result, the applicant submits that the rejection of claims 9 and 13 is not proper.

The applicant has made some minor amendments to claims 9 and 13, replacing the term ‘door’ with ‘supporting framework’ in several places.

The applicant submits that, based on the arguments presented above in relation to claims 9 and 13, these claims are not obvious in view of the cited art and are patentable.

Appl. No. 10/561,063
Amdt. Dated June 19, 2009
Reply to Office action of April 9, 2009

Additionally, claims 10-12, which depend from claim 9 are also patentable at least by way of their dependency on claim 9.

The applicant has submitted new claims 14-17. Claim 14 specifies that the casing of the key assembly is constrained from movement outwardly by an inwardly-facing side of the attachment element, and that the sleeve of said supporting element covers an outer end of said casing to inhibit access to said casing from outside the motor vehicle. As noted above, these features cooperate to inhibit a would-be thief from gaining access to the key assembly and are not shown in the prior art.

The applicant respectfully submits that the application is in condition for allowance and requests that a timely Notice of Allowance be issued.

Respectfully Submitted,



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